

EXHIBIT 3



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Cory Spencer vs. Lunada Bay Boys

Transcript Testimony of **Angelo Ferrara**

Date: 10/28/2016

Job #: 601946

Court Reporting – Videoconferencing – Trial Presentation – Nationwide Networking

Hermosa Beach - Irvine - Riverside - San Diego - Las Vegas

1 A. Than me. Correct.

2 Q. Where did you go to high school?

3 A. Palos Verdes High School.

4 Q. When did you move to PV?

5 A. 1969.

6 Q. Okay. What grade were you in?

7 A. Seventh grade.

8 Q. Where did you live when you moved there?

9 A. It'd be -- what was it called -- Palos Verdes
10 Pen -- maybe Pen or it was Rancho PV now. So I would say
11 Rancho Palos Verdes. It wasn't The Estates. So
12 Rancho -- I think it's Rancho PV. That's what that
13 area's called.

14 Q. Is it -- it's called something different now?

15 A. It's -- yeah, it's just an upper area that's
16 just a different ZIP code, 9027 -- back then it's 5, I
17 think. 90275, and now I'm in 90274.

18 So they changed them around. Rancho and it might
19 have been Palos Verdes Peninsula maybe at one
20 point --

21 Q. Is it --

22 A. -- back in the day.

23 Q. -- the same city now as it was when you moved
24 there?

25 A. Yeah. It's Palos Verdes but there's -- it's

1 A. Yeah. Heard of him.

2 MR. WORGUL: Is T-bone Tom Bennett or a different
3 people?

4 MR. OTTEN: Same person.

5 BY MR. OTTEN:

6 Q. Was he -- so you know him as somebody that surfs
7 the Bay?

8 A. No, I don't.

9 Q. So when you started surfing there in the '70s,
10 you never saw any kind of a localism?

11 A. No, no. There -- there were guys you, like, saw
12 surf and they surfed well, and like I said, I was new.
13 So I just, you know, saw good surfing and I just, like,
14 just kept to myself.

15 Q. Okay. In the '70s, was it crowded out in the
16 line out there?

17 A. Certain swells, yeah. There was -- there was a
18 few people. Here at -- like, I don't know what's
19 crowded. Now everywhere's crowded, so --

20 Q. Yeah.

21 A. Yeah, so, you know, I think there's definitely
22 less. So maybe there's a few more waves that you didn't
23 have to wait your turn or --

24 Yeah, that's always kind of etiquette, you know.

25 Like, wait your turn. A lot of people don't understand

1 that. They just keep coming back for another wave
2 everywhere.

3 So there's like a -- etiquette is like you got a
4 wave, it's the next guy's turn.

5 Q. Is the etiquette --

6 A. It always doesn't work -- it doesn't work that
7 way. It gets mixed up.

8 Q. So is the etiquette at Lunada Bay different than
9 the etiquette at other beaches?

10 A. It's all the same, it's everywhere. It's waves
11 start coming and then there's no more turn -- like, it
12 just moves the ocean and then you -- you feel you're
13 next, but then it's just -- if you can outpaddle
14 somebody, they get behind you and it's -- etiquette is
15 the guy behind you taking a wave.

16 If it's a right and he's behind you, it should be
17 his wave. But he paddled around you to get that wave
18 that you're up next. So that's where it gets mixed up
19 and then, you know --

20 Q. I totally --

21 A. -- I just like to move around. I don't -- when
22 I see that, I just go -- I go to another -- just move to
23 another zone.

24 Q. You and I are in total agreement on that.

25 So Lunada Bay -- God, I wish I had a photograph.

1 A. Faces. Yeah, like you just said, a good surfer
2 could use a smaller board, and one that is not
3 comfortable would probably use a little bigger board to
4 try to catch it. Like, probably like me, an older guy.
5 Old -- you know, old man, easy prey.

6 Younger people like to -- "he's not going," you
7 know, anywhere, and so they -- I'd probably use a bigger
8 board because I'm a little more overweight than I want to
9 be and -- to catch the wave.

10 Q. Let's talk about today, and when I mean today,
11 did you surf out there last winter?

12 A. Yeah.

13 Q. If you had to rank the top ten people that surf
14 there regularly for big waves, who would that be right
15 now?

16 A. I don't know all the names. You've mentioned
17 Alan. Right? You've mentioned Brant, Sang. That's it.

18 Q. You'd say Sang is up there?

19 A. My brother Frank. Right?

20 Q. Obviously Frank.

21 A. Yeah. I mean, I -- I don't have all -- all the
22 names. I'm not friends with everybody. It's "hello,"
23 "good-bye," and I just kind of go about my day.

24 Q. So Blakeman you put in the top ten?

25 A. Yeah, yeah.

1 past me and that's how I knew about it. Just --

2 Q. Do you remember him getting in the face of that
3 guy and saying, "You won't come here again, boy"?

4 A. No.

5 Q. Have you ever heard anyone else at Lunada Bay
6 saying to an outsider "You won't come here again"?

7 A. No.

8 Q. Do you have any independent knowledge why Peter
9 would tell someone you won't come here again?

10 A. No.

11 Q. As you sit here today, you've never witnessed
12 anybody making an outsider not welcome?

13 A. No.

14 MR. WORGUL: Objection. Vague and ambiguous.

15 BY MR. OTTEN:

16 Q. Because Lunada Bay, the people that surf there,
17 they welcome outsiders?

18 MR. FIELDS: Objection. Argumentative.

19 Is there a question there.

20 BY MR. OTTEN:

21 Q. Yeah. Do the people that surf Lunada Bay
22 welcome outsiders?

23 MR. FIELDS: Objection. Compound. Calls for
24 speculation. Vague and ambiguous.

25 But you can answer to the best of your ability.

1 THE WITNESS: Do other surf spots welcome surfers to
2 come to their surf -- to wherever that surf is happening?

3 BY MR. OTTEN:

4 Q. That's not what I asked you.

5 A. Yeah, it is, basically.

6 Q. No, it's not. No.

7 A. Go ahead.

8 Q. Do you need --

9 A. Do I -- say it again, then.

10 MR. OTTEN: Read the question back, please.

11 (The record is read by the reporter.)

12 THE WITNESS: Do other people that surf Lunada Bay
13 welcome outsiders? No.

14 I don't -- I don't -- I'm not there to call that. I
15 don't know. So -- no comment.

16 BY MR. OTTEN:

17 Q. Angelo --

18 A. I have no comment.

19 Q. Well, you don't get to have no comment at a
20 deposition.

21 A. Yeah.

22 Q. Do you understand that?

23 MR. FIELDS: Angelo, answer to the best of your
24 ability. If you don't know, you don't know.

25 THE WITNESS: I don't know. That's -- okay. I

1 I, Ayu Sasao, CSR 14093, do hereby declare:

2 That, prior to being examined, the witness named in
3 the foregoing deposition was by me duly sworn pursuant to
4 Section 30(f)(1) of the Federal Rules of Civil Procedure
and the deposition is a true record of the testimony
given by the witness.

5 That said deposition was taken down by me in
6 shorthand at the time and place therein named and
thereafter reduced to text under my direction.

7 That the witness was requested to review the
8 transcript and make any changes to the
9 transcript as a result of that review
pursuant to Section 30(e) of the Federal
Rules of Civil Procedure.

10 No changes have been provided by the witness
11 during the period allowed.


12 The changes made by the witness are appended
to the transcript.

13 No request was made that the transcript be
14 reviewed pursuant to Section 30(e) of the
Federal Rules of Civil Procedure.

15 I further declare that I have no interest in the
16 event of the action.

17 I declare under penalty of perjury under the laws of
18 the United States of America that the foregoing is true
and correct.

19 WITNESS my hand this 4th day of
20 November, 2016.

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22 Ayu Sasao, CSR 14093

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CORY SPENCER, an individual;) Case No.
DIANA MILENA REED, an) 2:16-cv-02129-SJO-RAO
individual; and COASTAL)
PROTECTION RANGERS, INC., a)
California non-profit public)
benefit corporation,)

Plaintiffs,)

v.)

LUNADA BAY BOYS; THE)
INDIVIDUAL MEMBERS OF THE)
LUNADA BAY BOYS, including)
but not limited to SANG LEE,)
BRANT BLAKEMAN, ALAN JOHNSTON)
aka JALIAN JOHNSTON, MICHAEL)
RAE PAPAYANS, ANGELO FERRARA,)
FRANK FERRARA, CHARLIE)
FERRARA and N.F.; CITY OF)
PALOS VERDES ESTATES;)
CHIEF OF POLICE JEFF KEPLEY,)
in his representative)
capacity; and DOES 1-10,)

Defendants.)

DEPOSITION OF CORY ELDON SPENCER
Los Angeles, California
Tuesday, October 11, 2016

Reported by:
Carmen R. Sanchez
CSR No. 5060

1 A Yes.

2 Q Okay.

3 How many times?

4 A I can't recall a specific number, but I
5 can tell you that, of course, you see it in magazines.
6 You want to see it in person; and, you know, you want
7 to go and investigate, I guess, for lack of a better
8 term; so, you just drive up and check it out.

9 Q Are you able to estimate for me how many
10 times you went to Lunada Bay before you turned 20?

11 A Oh, before I turned 20? If I were to
12 give you an estimation, probably four to five times.

13 Q Okay.

14 During any of the four or five times you
15 went there before you turned 20, did you experience
16 anything that made you fearful of Lunada Bay?

17 MR. FRANKLIN: Vague and ambiguous.

18 THE WITNESS: Fearful? Just going there I was
19 in fear. Just driving up the Palos Verdes Peninsula
20 road, you know, or whatever road it is to get up there,
21 you're a little afraid because you've heard stories.

22 MS. HEWITT: Okay.

23 Q During the four or five times you went
24 to Lunada Bay before you turned 20, did you experience
25 anything that made you fearful of Lunada Bay?

1 A Let me back up.

2 Q Sure.

3 A I had my boards each time but ...

4 Q When you were -- before you were 20?

5 A Yes.

6 Q Okay. So you had your boards, but you
7 didn't surf?

8 A Correct.

9 Q That's fine. And between that time and
10 January 2016, did you ever surf at Lunada Bay?

11 A No.

12 Q Okay.

13 Between those four to five times and
14 January 2016, did you go to Lunada Bay?

15 A Yes.

16 Q Okay.

17 About how many times?

18 A Four to five.

19 Q Between the time you were 20 and the
20 time January 2016?

21 A Oh, oh, I'm sorry.

22 Q That's okay.

23 A I thought we were back.

24 Q No.

25 A How many times after I was 20 and, then,

1 up until January of 2016? One time I went on my
2 bicycle. I would say, again, four to five times. I
3 know one was on a bike ride; and the others, one time
4 was working a task force for a DUI. I was in a police
5 car, and it was at night. It would have been after
6 10 p.m.; so not many people there at that time. And I
7 would say probably the two or three extra would just be
8 in my car.

9 Q Okay.

10 In any of those four to five times, did
11 you attempt to surf?

12 A No.

13 Q Okay.

14 During any of those four to five times,
15 were you intimidated?

16 MR. FRANKLIN: Vague and ambiguous.

17 THE WITNESS: I'm -- I wouldn't -- no, I wasn't
18 intimidated.

19 MS. HEWITT: Okay.

20 Q During any of those four to five times,
21 again, that we're talking about right now, did you
22 experience any vandalism?

23 A No vandalism.

24 Q All right. And during those four to
25 five times, did you experience anything that made you

1 on the board or something like that, and I don't know
2 who that was. From what I remember, I don't think they
3 were currently a member of them, but they used to be.
4 I don't remember who it was.

5 Q Okay.

6 Put that right to the side because I'm
7 going to ask you some more questions about this E-mail.

8 A Which one?

9 Q The one we just looked at. Yeah, put
10 that off, because I'm going to come back to that.
11 Going back real briefly to the complaint on page 13,
12 following the February 2016 visit to Lunada Bay, did
13 you ever return to Lunada Bay and attempt to surf?

14 A No.

15 Q Did you ever return to Lunada Bay and --
16 at all after that time?

17 A I have, yes.

18 Q All right.

19 How many times?

20 A Anywhere from three to five.

21 Q Okay.

22 On each of those visits, did you go down
23 to the beach?

24 A No. Up on the bluff only.

25 Q Okay.